

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Improving Public Safety Communications)	
in the 800 MHz Band)	WT Docket No. 02-55
)	
Consolidating the 900 MHz Industrial/)	
Land Transportation and Business Pool)	
Channels)	

To the Commission:

EX PARTE
COMMENTS
OF THE
NEW YORK STATE OFFICE FOR TECHNOLOGY
STATEWIDE WIRELESS NETWORK

November 18, 2003

1. The New York State Office for Technology, Statewide Wireless Network (SWN), submits the following comments in support of the August 7, 2003 **Ex Parte Submission of the Consensus Parties** in the above-captioned proceeding. With 441 licenses in the 806-824/851-869 MHz band, SWN is one of the largest 800 MHz Public Safety license holders in the US, and therefore has a tremendous stake in the outcome of this proceeding. New York State supports the modified Consensus Proposal, and urges the Commission to adopt the modified "Consensus" proposal so that the re-banding process may proceed as quickly as possible.
2. The latest version of the "Consensus Plan" proposes to make changes to Appendix F of the December 2002 version of the plan – and we specifically cite Attachment 1 of the August 7, 2003 Ex Parte Comments, which is intended to provide additional interference

protection to post-re-banded 806-816/851-861 MHz users. This plan, as modified, now promises to “virtually eliminate” interference from cellular mobile radio service (“CMRS”) to public safety by an average of 99 percent for current National Public Safety Planning Advisory Committee (“NPSPAC”) licensees, and by an average of 88 percent for public safety licensees in the non-cellular block (809-814/854-859 MHz)¹. The State is supportive of these proposed changes, which afford public safety enhanced interference protection against both out of band emissions (OOBE) and intermodulation from CMRS.

3. The State is very encouraged to see relaxation of the minimum signal level thresholds - which is necessary for reliable operation, and to protect public safety and private wireless operators from CMRS interference². Furthermore, all licensees operating in the non-cellular 806-816/851-861 MHz band are now protected, not just those outside of the previously defined 814-816/859-861 MHz "guard band". The proposed plan now protects public safety licensees by lowering the median³ desired levels required for interference protection to -101 dBm for portable radios and -104 dBm for mobile radios in the area of interference⁴. The key aspect of these reduced thresholds is that they will no longer require public safety systems to be designed on an interference-limited basis in order to receive interference protection. This is extremely important to the State, and has been reiterated time and again within many of our previous filings.
4. The State supports the relief provided to licensees in the 851-861 MHz guard band channels through the removal of the mitigation threshold sliding scale⁵. The proposed change prohibits CMRS to public safety interference on guard band channels resulting

¹ Ex Parte submission of Consensus Parties submitted August 7, 2003, page 45.

² Ex Parte submission of Consensus Parties submitted August 7, 2003, Page 47.

³ Furthermore, the measurement methods have now been better defined.

⁴ Ibid, Attachment I, page 8.

from OOB and intermodulation. The proposed plan will require CMRS to take the same corrective actions for guard band licensees as they do for those who have relocated to the “new” NPSPAC channels⁶. This eliminates our previous concerns that licensees within international border areas would be forced into guard band operations, and thus suffer under an unbearable minimum signal requirement in order to obtain interference protection.

5. Our comments in the past only offered conditional support of the consensus plan. This was mainly due to the high minimum threshold levels that were specified, and the lack of guard band⁷ interference protection⁸. Higher threshold levels and lack of protection in the guard band would have serious consequences on the design of future public safety radio systems due to an increased noise floor. Imposing these constraints on radio system engineers requires systems to be designed on an interference-limited basis. Due to the increased number of tower sites associated with interference-limited designs, the impact felt by public safety would be financial. In fiscally challenged communities these constraints can seriously affect the ability to fund and construct public safety radio systems.
6. The State feels the proposed modifications to the Consensus Plan will be beneficial to the interests of public safety. We feel the proposed threshold levels will adequately protect public safety operation from harmful interference caused by CMRS. Additionally, these thresholds will not require public safety radio systems to be designed on an interference-

⁵ Ibid, Page 47.

⁶ Ibid, Page 47, NPSPAC licensees relocated to 806-809/851-854 MHz.


⁷ Specifically, the border region consequences, and the associated minimum signal requirements

⁸ Filings on WT Docket 02-55 by the New York State Office for Technology Statewide Wireless Network (SWN), Comments of May 6, 2002, Reply Comments of August 6, 2002, Comments of 9/23/02, February 10, 2003, and Reply comments of February 25, 2003.

limited basis. To ensure the plan's success due diligence is required from CMRS licensees in remedying interference caused by OOB and intermodulation. This plan will go a long way to protect licensees from CMRS interference. However, once the plan has been enacted the incumbents must remain vigilant to ensure the same mistakes are not repeated. The problems that resulted in proceedings of WT Docket 02-55 must be avoided to prevent them from happen again. Note that cellular like operations within the segregated block can be handled quite easily, since effective frequency coordination can geographically partition the technologies as necessary⁹.

7. Although we feel that there are additional minor aspects of the Consensus Proposal that remain to be addressed, we feel comfortable at this point they can and will be resolved as this Docket proceeds. Therefore we place the support of New York State behind the modified Consensus Plan Proposal, and urge the Commission to adopt the proposal so that the re-banding process may proceed as quickly as possible.

Respectfully Submitted,



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⁹ In fact, if effective frequency coordination had been employed in the past across all of the services (i.e. Public Safety and Nextel/CMRS/Cellular), then 800 MHz interference may never have become an issue